

Decision Record and Finding of No Significant Impact

For

Idaho Power Company and Great Basin Transmission, LLC Amendment to Right of Way Grant NVN-49781

EA #NV-040-07-048

DECISION: It is my decision to authorize the proposed amendment to Right-of-Way Grant NVN-49781 as described in the Proposed Action of the Environmental Assessment (EA). I concur with my staff's assessment of the environmental impacts and authorize the Proposed Action.

Conditions of Approval

1. Mitigation and monitoring measures as outlined in the EA will apply.

Mitigation

The proponent will comply with mitigation measures included in the EA, the terms and conditions of the Biological Assessment (BA) and Biological Opinion (BO) for the Southwest Intertie Project (SWIP) – Southern Portion, and all of the protocols outlined in the Construction, Operation, and Maintenance (COM) Plan for the SWIP – Southern Portion. Prior to and during construction, the proponent will also implement all the steps outlined in the Historic Properties Treatment Plan (HPTP) for the SWIP – Southern Portion.

In general, two types of mitigation measures have been developed for the SWIP – Southern Portion, including generic mitigation and selectively committed mitigation measures as presented in Appendix A of the EA, and Tables 6-1 and 6-2 of the COM Plan. These and other mitigation measures included in the COM Plan, BA, BO, and HPTP address the design (engineering), construction, and operation of the proposed facilities. Key mitigation measures associated with the Proposed Action (the extension of the right-of-way to the Harry Allen Substation and/or the Thirtymile Substation) include, but are not limited to the following:

- Prior to construction, all supervisory and operations construction personnel (crews) would be instructed on the protection of cultural and ecological resources. To assist in this effort, the construction contract would address: (a) federal and state laws regarding antiquities and plants and wildlife, including collection and removal; (b) the importance of these resources and the purpose and necessity of protecting them.
- The aerial limits of construction activities would normally be predetermined, with activities restricted to and confined within those limits. Standard survey flags and stakes will be installed before the start of project construction, and signs, flags, and/or fencing will be used to delineate and protect sensitive environmental resource areas to avoid or reduce impacts.

- Changes or deviations that may be necessary during construction to accommodate or mitigate on-site circumstances will follow the review and approval process as outlined in the COM Plan.
- Salvageable cacti and yucca will be safely stored in temporary plant storage sites, and plant salvage from areas of permanent disturbance will only be moved once, and replanted as described in the Restoration Plan.
- All new access roads not required for maintenance would be permanently closed using the most effective and least environmentally damaging methods appropriate to that area with concurrence of the land manager (BLM). This would limit new or improved accessibility into the area.
- All requirements of those entities having jurisdiction over air quality matters will be adhered to and any necessary dust control plans will be developed, and permits for construction activities would be obtained. Dust and emission-control measures (including watering roads), mitigation measures limiting disturbance, and restoration and monitoring practices will assist in reducing impacts to air quality.
- Pre-construction surveys for plants and wildlife species, designated as sensitive or of concern will be conducted in areas of known occurrence or habitat, including noxious weed surveys as stipulated by the land-administering agency (BLM) during the development of the COM Plan.
- Preventative and treatment measures addressing noxious weeds will be followed during the construction activities, as well as during restoration and reclamation efforts. Reseeding practices and seeding mixtures to be used in areas of temporary disturbance will be coordinated with a BLM Botanist in order to determine the source, type, and quantity of seed mixtures and seeding locations. In this regard, mixtures that discourage the establishment of invasive and noxious weeds will be considered, as appropriate.
- With the exception of emergency repair situations, right-of-way construction, restoration, maintenance, and termination activities in designated areas will be modified or discontinued during sensitive periods for candidate, proposed threatened and endangered, or other sensitive animal species. Sensitive periods, species affected, and areas of concern will be approved in advance of construction or maintenance by the BLM.
- Scattered Utah juniper will be selectively cleared during construction in areas of temporary disturbance and areas not permanently displaced by the Thirtymile Substation.
- Non-specular conductors and “dulled” metal finish on towers will be used to reduce visual impacts

Monitoring

Construction and/or post-construction monitoring, and treatment in selective areas will occur in accordance with Section 106 Compliance, Paleontological Resources, Section 7 of the Endangered Species Act, or as specified by the BLM and state or county authority. The Proposed Action will include all of the monitoring that is stipulated in the COM Plan, BA, BO, and HPTP for the SWIP – Southern Portion. As appropriate, these monitoring efforts will include:

- A BLM appointed Compliance Inspection Contractor (CIC) will provide ongoing compliance inspections and monitoring for the project.
- In the area of the right-of-way extension during the tortoise activity period, March 1 through October 31, tortoise biologists shall be present during all construction and maintenance (e.g., emergency repairs) activities where one or more pieces of heavy construction equipment are being used. From November 1 through February 28, environmental monitors (in place of Desert Tortoise biologists) will be on site during all phases of transmission line construction.
- A biological monitor will be present during the migratory bird nesting season (April 1 through August 31).
- One or more archaeological monitors (funded by the Project Proponent) would be on-site during construction activities at the Thirtymile Substation site.
- Restoration monitoring will be conducted prior to construction and continue through post-construction phases, including the consideration for noxious weeds. Evaluation of restoration success will be based on criteria as agreed upon by BLM and the Project Proponent.

2. BLM Standard Operating Procedures will apply.

Rationale

The extension of the previously approved and granted right-of-way at the southern terminus of the project will allow interconnection with the grid at the existing Harry Allen Substation. The modification of the grant in the Robinson Summit area will provide engineering and environmental advantages and better accommodate the interconnection with, and the crossing of, the existing Falcon to Gonder 345kV transmission line.

Any impacts resulting from the Proposed Action will be minimized through the implementation of the mitigation measures previously described and those included in the COM Plan, BA, and BO for the SWIP – Southern Portion. As a result of the analysis for the proposed right-of-way amendment, it was determined that the Proposed Action will not result in unnecessary or undue degradation to public lands. The Proposed Action is in conformance with the Las

Vegas Resource Management Plan, the Ely Resource Management Plan, and the draft revised Ely Resource Management Plan.

FONSI:

Finding of No Significant Impact: I have reviewed EA NV-040-07-048, dated August 2007. After consideration of the environmental impacts as described in the EA, and incorporated herein, I have determined that the proposed amendment of the existing Right-of-Way Grant NVN-49781, along with the implementation of the mitigation measures as described in the EA, COM Plan, BA, and BO, will not significantly affect the quality of the environment and that an Environmental Impact Statement (EIS) is not required to be prepared. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 Code of Federal Regulations 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Rationale:

Context:

The areas potentially affected by this amendment to Right-of-Way Grant NVN-49781 consist of a 3.8-mile extension from the originally approved terminus of the SWIP to the existing Harry Allen 500kV Substation in Clark County and the relocation of the originally approved Robinson Summit Substation site approximately $\frac{3}{4}$ mile to the northwest, and immediately adjacent to the approved SWIP corridor in White Pine County (the relocated site is referred to as the Thirtymile Substation).

The proposed extension would involve an interconnection at the existing Harry Allen 500kV Substation in an area that has been previously modified by several energy related facilities including generation and substation facilities, and numerous transmission lines. The proposed relocated substation would involve an amount of disturbance to BLM land similar to or less than the previously approved site (approximately 77 acres), immediately adjacent to a designated utility corridor. These locations affected by the amendment do not have international, national, regional, or state-wide importance.

Intensity:

- 1) Impacts that may be both beneficial and adverse.

The EA has considered both beneficial and adverse impacts. The amendment to the existing right-of-way grant will allow the SWIP to interconnect with the existing grid at the Harry Allen 500kV Substation and will provide engineering and environmental advantages relative to the currently approved Robinson Summit Substation site and interconnection with the Falcon-to-Gonder 345kV line. The SWIP – Southern portion will increase the reliability of the western transmission grid, allowing the sharing of electrical supplies between different service areas in Nevada and different regions of the west, and provide transmission capacity for proposed new energy projects in the region.

- 2) The degree to which the Proposed Action affects public health or safety.

Implementation of the proposed action will not result in potentially substantial or adverse impacts to public health and safety. Design and construction of facilities

will be in accordance with the specifications and procedures outlined in the COM Plan insuring compliance with all health and safety regulations and requirements.

- 3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Proposed Action does not affect any unique characteristics of the geographic area(s), including park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas, and compliance with the mitigation measures identified in the EA, COM Plan, BA, and BO will reduce effects to environmental resources in general. The Proposed Action will affect cultural resources at the Thirtymile Substation, but any adverse effects will be mitigated through the implementation of the HPTP.

- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The location of the Thirtymile Substation is in an area associated with two approved and designated BLM utility corridors, one containing two existing transmission lines (Falcon to Gonder 345kV and Gonder to Machacek 230kV transmission lines). The extension to the Harry Allen Substation is in an area highly modified by numerous existing electrical facilities and other industrial facilities associated with the APEX Industrial Park. The types of effects documented in the EA are not considered to be highly controversial, and the methods identified in the COM Plan to implement the construction of the project are accepted methods to meet resource and management objectives.

- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no effects of the Proposed Action identified in the EA which are considered uncertain or involve unknown risks, and compliance with the mitigation measures and procedures identified in the COM Plan allow for the flexibility to address specific issues, should they occur during construction and operation of the planned facilities.

- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.

- 7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

An analysis of cumulative impacts is contained in Section 7 of the EA. Based on that analysis; it is my conclusion that the EA has not identified any significant cumulative impacts of the Proposed Action with related actions that might require preparation of an EIS. The Proposed Action is related to the SWIP project, insofar as it consists of two minor modifications of the existing SWIP right-of-way grant. The impacts of the existing right-of-way grant and SWIP project were considered significant as indicated by preparation of an EIS at the time those actions were approved. Those significant impacts have already been documented and taken into account in the initial decision. The proposed action

will add minor incremental impacts to those initially studied and approved for the SWIP, which are not considered significant.

The Thirtymile Substation component of the Proposed Action has some relation to the Falcon to Gonder 345kV line, in the sense that relocation of the substation site in the Robinson Summit area is required partly to accommodate the Falcon to Gonder transmission line. The direct, indirect, and cumulative impacts of that transmission line also have been studied in an EIS (the Falcon to Gonder EIS), as were the impacts of the Robinson Summit Substation at its initially approved location (SWIP EIS). The relocated substation also has some relation to the potential transmission lines that would enter the substation from the proposed White Pine Energy Station and potential renewable projects to the north, in the sense that the proposed relocation will better accommodate any such lines. The impacts (direct, indirect, and cumulative) of those transmission lines, and of the relocated SWIP substation and other transmission lines in the substation area, are also being studied in the White Pine Energy Station EIS and Ely Energy Center EIS. In sum, no cumulatively significant impacts that would justify the preparation of an EIS, beyond the EISs and EAs that already have been or are being prepared, have been identified in this EA.

The southern extension component of the proposed action is generally unrelated to other actions in that area. As documented in the EA, there have been a number of other projects developed in the area of the southern extension. Almost all of those projects had federal components and thus were already studied in other EISs or EAs, and also have been considered and/or incorporated in the Las Vegas Resource Management Plan and related EIS. Again, while the southern extension will add minor cumulative impacts in this area, no cumulatively significant impacts that would justify preparation of an EIS have been identified in the EA.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

As previously stated, the Proposed Action is likely to adversely affect cultural resources eligible for listing on the National Register of Historic Places at the Thirtymile Substation site; however these effects will be mitigated through the implementation of the HPTP. The HPTP will be submitted to the Nevada State Historic Preservation Office for review and approval and would have to be implemented prior to the issuance of a notice-to-proceed with construction for those locations where cultural resource mitigation is prescribed.

- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has not been determined to be critical under the Endangered Species Act of 1973.

The Mojave Desert Tortoise is the only federally listed species that is present along the extension of the right-of-way to the Harry Allen Substation. This area is not designated by the U.S. Fish and Wildlife Service (USFWS) as Critical Habitat. Mitigation and compensation measures outlined in the BA, BO, and COM Plan, including, but not limited to controlling the speed of vehicles on the right-of-way, limiting access to pre-determined and clearly flagged areas, and the presence of tortoise biologists, will help to reduce impacts. Tortoise biologists will be

responsible for moving any found tortoises out of harm's way, to remove tortoises from burrows in construction areas, and to educate all construction personnel regarding the protocol for working in Mojave Desert Tortoise habitat areas. In addition, the decision regarding the distribution and appropriate use of mitigation remuneration for the disturbance of Desert Tortoise habitat will be determined through consultations between the USFWS and BLM and will be included in the BO. The compensation for habitat is designed to ensure that there is no net loss of quality habitat for the tortoise. The ultimate objective of such compensation is to ensure that the number and viability of regional populations are not diminished.

No federally listed threatened or endangered species are likely to be affected by construction of the Thirtymile Substation.

- 10) Whether the action threatens a violation of Federal, State, or local law or requirement imposed for the protection of the environment.

The Proposed Action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The proposed action will be covered by the environmental permits and requirements that are required for and applicable to the SWIP – Southern Portion generally. These include the Nevada Utility Environmental Protection Act permit that Great Basin must obtain from the Nevada Public Utility Commission, as well as permits from the Nevada Department of Environmental Protection (construction storm water and dust control), Clark County (including a dust control permit and a special use permit), and Lincoln and White Pine Counties (special use permits). The Proposed Action will also be covered by the BO prepared by the USFWS and by a nationwide Section 404 permit administered by the U.S. Army Corps of Engineers. There is no indication that the applicant will be unable to obtain these environmental permits or that the Proposed Action threatens to violate environmental laws.

Jeffrey A. Weeks
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Non-Renewable Resources

Date